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## Pufendorf's Sociability in (Italian) Translation

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## 12 Pufendorf's Sociability in (Italian) Translation

In 2005 the Italian historian Maurizio Bazzoli wrote about the rising interest in Pufendorf in recent decades in Italy. He affirmed that the increasing number of contemporary studies on the works of the German author enhanced Italian scholarship on Pufendorf's natural law and its diffusion across Europe.<sup>1</sup> Primarily, he noted that Pufendorf's studies contributed to the development of Italian legal culture since the eighteenth century. In his essay, Bazzoli recognised that the twentieth-century pioneer in the transformation of interest on Pufendorffian studies was Fiammetta Palladini<sup>2</sup> following the work of Norberto Bobbio, whose seminal works trained spotlights on the German author during the first half of the twentieth century.<sup>3</sup>

In a celebratory tone, Bazzoli indicated that in recent decades Italy has produced great scholars on Pufendorf's studies, such as Franco Todescan<sup>4</sup>, Massimo

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1 Maurizio Bazzoli, "Aspetti della Recezione di Pufendorf nel Settecento Italiano," in *Dal 'De jure naturae et gentium' di Samuel Pufendorf alla Codificazione Prussiana del 1794*, ed. Marta Feronato Padua: Cedam, 2005), 43–60; Id., "Le concezione pufendorffiane della politica internazionale," in *Samuel Pufendorf filosofo del Diritto e della Politica*, ed. Vanda Fiorillo (Naples: Città del Sole, 1996), 29–72. Id., *Il Pensiero Politico dell'assolutismo illuminato* (Florence: La Nuova Italia, 1986); Id., "Giambattista Almicì e la diffusione di Pufendorf nel Settecento Italiano," 16 *Critica Storica* (1979): 3–100.

2 Fiammetta Palladini, *Discussioni seicentesche su Samuel Pufendorf. Scritti Latini: 1663–1700* (Bologna: Il Mulino, 1978); Id., "Volontarismo e laicità del diritto naturale la critica di Pufendorf a Grozio," in *Reason in Law. Proceedings of the Conference Held in Bologna in 1984*, ed. Carla Faralli (Milan: Giuffrè, 1988), 397–420; Id., "Di una critica di Leibniz a Pufendorf," in *Percorsi della ricerca filosofica*, ed. Fiammetta Palladini et. al. (Rome: Edizioni Nuova Cultura, 1990), 9–27; Id., *Samuel Pufendorf Discepolo di Hobbes. Per una reinterpretazione del giusnaturalismo moderno* (Bologna: Il Mulino, 1990); Id., "Appetitus Societatis in Grozio e Socialitas in Pufendorf" in *Filosofia Politica* 10 (1996): 61–70; Id., "Stato, Chiesa e Tolleranza nel pensiero di S. Pufendorf" *Rivista Storica Italiana* 109 (1997): 436–482.

3 Samuel Pufendorf, *Principi di diritto naturale*, ed. Norberto Bobbio. (Turin: G. B. Paravia & C., [1943] 1952); Norberto Bobbio, *Da Hobbes a Marx. Saggi di storia della filosofia* (Naples: Morano, 1965), especially the chapter "Leibniz e Pufendorf", 129–145. For a history of the philosophy of law in Italy, see Guido Fassò, *Storia della filosofia del diritto*, vol. II, L'età moderna (Bologna: Il Mulino, 1968), 173–185.

4 Franco Todescan, *Le radici teologiche del giusnaturalismo laico vol. III: Il Problema della secolarizzazione nel pensiero giuridico di Samuel Pufendorf* (Milan: Giuffrè, [1983] 2001); Id., "Dalla persona ficta alla persona moralis. Individualismo e matematismo nelle teorie della persona

Mori,<sup>5</sup> Oliviero Macini,<sup>6</sup> Vanda Fiorillo,<sup>7</sup> and Anna Lisa Schino, the editor of an anthology of Pufendorf's texts in Italian.<sup>8</sup> To this list, we should include Bazzoli himself, amongst other scholars. In Bazzoli's view, thanks to the accomplishments of twentieth-century Italian scholarship, studies on Pufendorf's natural law theory have expanded to encompass what have normally been considered his minor works.

According to Bazzoli, within Pufendorfian studies, one of the most important lines of research has undoubtedly been the historical reconstruction of its influence (sic) in the development of Italian civil culture in the eighteenth century. This line of research has primarily concentrated on the study of the translations of Pufendorf's texts into Italian, mainly, *De jure naturae et gentium* (1672) and *De officio hominis et civis* (1673).<sup>9</sup> Within these works, *Elementa Jurisprudentialiae universalis* (1660) was considered minor and did not circulate in Italy during the period in question.

Studies on the translations of Pufendorf's texts have been developed hand-in-hand with the following components: i) the elaboration of a periodisation that allowed Italians to establish the process of forming civil culture in the eighteenth

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giuridica del secolo XVII," *Quaderni Fiorentini per una Storia del Pensiero Giuridico Moderno I* (1982–1983): 59–93.

5 Massimo Mori, "Giusnaturalismo e Crisi dell'Ordine Naturale," *Rivista di Filosofia* 77 (1986): 7–40.

6 Oliviero Mancini, "Diritto naturale e potere civile in Samuel Pufendorf" in *Il Contratto Sociale nella Filosofia Politica Moderna*, ed. Giuseppe Duso (Bologna: Il Mulino, 1987), 109–148.

7 Vanda Fiorillo, "La 'Socialitas' nell'antropologia giuridica pufendorfiana," *Materiali per una Storia della Cultura Giuridica* 20 (1990): 479–495; Id., *Tra Egoismo e Socialità. Il Giusnaturalismo di Samuel Pufendorf* (Naples: Jovene, 1992); Vanda Fiorillo (ed.), *Samuel Pufendorf filosofo del Diritto e della Politica* (Naples: Città del Sole, 1996); Hans Welzel, *La dottrina giusnaturalistica di Samuel Pufendorf. Un Contributo alla Storia delle Idee dei Secoli XVII e XVIII*, trans and ed. Vanda Fiorillo (Turin: Giappichelli, 1993).

8 Anna Luisa Schino, *Il Pensiero Politico di Pufendorf*, (Rome and Bari: Laterza, 1995); Id. (ed.), *De statu hominum naturali* (Lecce: Conte, 2009).

9 Diego Panizza, "La traduzione italiana del *De iure naturae* di Pufendorf: giusnaturalismo moderno e cultura cattolica nel Settecento," *Studi Veneziani* XI (1969): 483–528; Diego Quagliolini, "Pufendorf in Italia. Appunti e notizie sulla prima diffusione della traduzione italiana del *De jure naturae et gentium*," *Il Pensiero Politico* XXXII (1999): 235–250; Stefania Stoffella, "Assolutismo e diritto naturale in Italia nel Settecento," *Annali dell'Istituto Italo-Germanico in Trento* XXVI (2000): 137–175; Id., "Il diritto di resistenza nel Settecento Italiano. Documenti per la storia della traduzione del *De iure naturae et Gentium* di Pufendorf," *Laboratoire italien. Politique et société* 2 (2001): 173–199 and Id., "Il diritto naturale nella corrispondenza e negli scritti di Giovanni Battista Graser e di Clementi Baroni Cavalcabò," in *Aufklärung cattolica ed età delle riforme. Giovanni Battista Grasser nella cultura europea del Settecento*, ed. Serena Luzzi (-Rovereto: Accademia Roveretana degli Agiati, 2004): 191–205.

century; ii) the identification of certain themes within the process of forming Italian civil culture; iii) the development of methodologies *ad hoc* for a better understanding of the Italian process; and iv) an awareness and understanding of the interaction of different confessions involved in that process.

Regarding the periodisation of the circulation of Pufendorf's texts and its contribution to the development of Italian civil culture in the eighteenth century, Italian scholars have distinguished Pufendorf's studies as expanding their goals concerning Italian civil culture. Specifically, such studies changed the understanding of the relationship between Pufendorf and Grotius, between Pufendorf and Wolff, as well as the relationship between Pufendorf and other great exponents of European Enlightenment.<sup>10</sup>

Turning to methodology, perhaps one of the most interesting accomplishments of Pufendorffian studies in Italy lies in its affiliation to historical contextualisation. This contextualisation has thus stimulated the emergence of certain structures of thought and the *ad hoc* development of approaches to this particular case. More specifically, Italian scholars have acknowledged the relevance and worked on the concepts of *sociabilitas* and *perseitas* as crucial concepts for the development of Italian civil culture in the eighteenth century. Although, Bazzoli has shown how some authors managed to tackle the main concepts within Pufendorf's natural law theory, he pointed that not all of these authors have fully understood the meaning of some of early-modern fundamental concepts nor have they been able to identify the correct contexts to grasp their meaning. Fortunately, some examples of intellectual finesse exist. In relation to other European cases, Italian scholars have studied the concepts differently and reached varying conclusions. For instance, in 1764, J. F. Bonifacio Finetti (1707–1782) accused Pufendorf together with Hobbes and Spinoza of having linked the concept of *socialitas* to *utilitas* in such a manner that *socialitas* became more a political principle than a concept related to natural law.<sup>11</sup> Nowadays, we know that the diffusion of this binomial *socialitas–utilitas* should be attributed to Ferdinando Facchinei, who popularised it in his 1765 critique of Beccaria's *Dei delitti e*

<sup>10</sup> Bazzoli cited Giuliana D'Amelio, *Illuminismo e scienza del diritto in Italia* (Milan: Giuffrè, 1965). For a European study, see Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2009).

<sup>11</sup> Joannis Francisci Finetti, *De principiis iuris naturae et gentium adversus Hobbesium Puffendorffium, Thomassium, Wolfium et alios* (Venice: Thomam Bettinelli, 1764), I: 40; Ferdinando Facchinei, *Note e osservazioni sul libro intitolato Dei Delitti e Delle Pene* (Venice: Antonio Zatta, 1765). On Finetti, see Merio Scattola "Protestantismo e diritto natural cattolico nel XVIII secolo," in *Illuminismo e Protestantismo*, ed. Giulia Cantarutti and Stefano Ferrari (Milan: Franco Angeli, 2010): 131–148.

*delle pene*. Moreover, nowadays we understand that in reality these authors popularised the arguments and terms used by the German Benedict friar Anselmo Design. Through those arguments and terms the *Juris naturae larva detracta* emphasised the lack of any religious dimension in Pufendorf's conception of society.<sup>12</sup> Thus previous evidence allows for the conclusion that in the early-modern Italian context the concept of sociability was associated with *utilitas* within Pufendorf's natural law. This association stems from the commentary from Design and from the understanding that a distinction existed between the principles of natural law and political thought.

In terms of methodology and themes, in his articles Bazzoli has certainly greatly stimulated discussions and interest on 'Pufendorbian themes' amongst scholars examining this period. Yet, Bazzoli has also noted that most of these themes have been developed through the historical and cultural filters of generations of scholars. Furthermore, he has insisted that these filters have likely guided studies on Pufendorf's natural law in order to tackle contemporary problems possibly beyond relevance to the understanding of Pufendorf's texts in early-modern time.<sup>13</sup> An example of this would lie in the insistence on the importance and way of approaching the confessionalisation divide that is a more a twentieth-century topic than an early-modern one.

Nevertheless, the importance regarding eighteenth-century Pufendorbian studies remains on understanding in which circles Pufendorf's texts were promoted. Specifically, we refer here to who the main promoters were and what their political agendas encompassed. This information is crucial to evaluating whether Pufendorf's natural law theory crucially impacted the specific contexts of the time or if in Italy it reached a more theoretical significance that assisted Italian thinkers to renew the foundations of early-modern political thought. Mainstream understanding has pointed out that Muratori and Genovesi can be counted amongst the primary promoters of Pufendorf's works in 1722 and 1755, respectively, although we continue to lack a full portrait of Muratori and Genovesi as Pufendorf's Italian publicists, and the same can be said for the rest of them.<sup>14</sup>

According to the results of this line of inquiry, circulation of Pufendorf was filtered through theological and moral philosophy problems already present in

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<sup>12</sup> Anselmo Desing, *Juris naturae larva detracta compluribus libris sub titulo juris naturae prodeuntibus, ut pufendorfianis, heineccianis, wolffianis & c.* (Munich: Joannis Urbani Gastl, 1753), 3 vols. Cfr. also Franco Venturi, *Utopia e riforma nell'illuminismo* (Turin: Einaudi, 1970), 128–129.

<sup>13</sup> Bazzoli, "Aspetti della Recezione di Pufendorf," 43–45.

<sup>14</sup> Ludovico Antonio Muratori, *Opere*, ed. Giorgio Falco and Fiorenzo Forti (Milan and Naples: Ricciardi, 1964).

the Catholic tradition across the Italian states.<sup>15</sup> This was particularly true in the north of Italy, where Pufendorf's theory was used in the theological and political controversies between Jansenists Rigorists and Jesuits amongst others. However, as pointed out above the theological and moral filters could also have reflected twentieth-century interests and approaches.

Be that as it may, in Bazzoli's view all of these above-mentioned elements serve as evidence that Pufendorf's natural law theory arrived in a fragmented Italy, which apart from Vico's theoretical and methodological proposal lacked original contributions. It was in that context of fragmented and lacking authority that the models coming from beyond the Alps found fertile soil in Italy. And, yet, for Bazzoli it is also crucial to remember that despite the endemic need for theoretical proposals these contributions were neither easily nor widely assimilated across different Italian states, nor were the proposals made by vernacular *novatori* that indeed found great reactions.

For this reason Pufendorf's contribution became even more significant, because important members of the Italian circles proposed it. Notwithstanding difficulties, Bazzoli affirmed, especially for the northern case, it was thanks to the circulation of Pufendorf's texts that natural law became a common language. Through this language, the culture of the ancient Italian states found new conceptual nets and practical implications amongst men of ethics, theology, morals, law, economy, and politics.<sup>16</sup> In the south of Italy, however, Grotius had the lead in this process.<sup>17</sup>

Still, much time has passed since Bazzoli's commentary from 2005 and his account of the undoubtedly significant contribution of Italian scholarship to Pufendorfian studies. Furthermore, room for improvements continue to exist in Italian scholarship. Amongst the most indispensable actions, there is an immense need for better coverage of the geographical territory, since Italian historiography has primarily concentrated on the north of Italy overlooking connections with the rest of the peninsula.<sup>18</sup> This study thus aims to unveil the forms of circulation

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15 Bazzoli, "Aspetti della Recezione di Pufendorf," 43–45.

16 Maurizio Bazzoli, "Una controversia settecentesca sull'embriotomia," *Studi e Fonti di Storia Lombarda. Quaderni Milanesi* 8 (1988): 7–49.

17 Adriana Luna-Fabritius, "Providence and Uses of Grotian Strategies in Neapolitan Political Thought 1650–1750" in *Sacred Politics*, ed. Hans Blom (Leiden: Brill, forthcoming).

18 There is also a need for a better chronological coverage of Italian Pufendorfian studies that encompass the second half of the seventeenth and the first decades of the eighteenth centuries. For the kingdom of Naples, see Adriana Luna González, "From Self-preservation to Self-liking in Paolo Mattia Doria: Civil Philosophy and Natural Jurisprudence in the Early Italian Enlightenment" (PhD diss., Florence: European University Institute, 2009) and Luna-Fabritius, "Providence and Uses of Grotian Strategies".

of Pufendorf's works mainly, in their original language and their translations, as well as in book reviews and correspondence that circulated in the Italian Peninsula. The first part of this study reconstructs the general context where Pufendorf's translations appeared to draw some general lines, whilst the second focuses on a closer reading of the eighteenth-century Italian translations of Pufendorf's texts to disclose the main themes and concepts. The primary aim of this study is to enlarge the map of the dissemination of Pufendorf's ideas in Italy through discussions on human sociability, as this concept is common to the diverse Italian contexts.

Combining the study of eighteenth-century Italian translations of Pufendorf and the centrality of discussions on human sociability reveal the various aspects that Pufendorf's natural law theory acquired beyond its former context. Studying the impact of Pufendorf's natural law theory in the Italian context improves the evaluation of its relevance as a theoretical model for the foundations of early-modern political language in Italy and thus contributes the state of the art in Pufendorf's studies. Likewise, contributes to the history of readership since this allows us to better understand the obstacles related to the circulation and appropriation of Pufendorf's natural law as well as those of other forbidden authors in various Catholic contexts within the Italian Peninsula. In addition, this study aims to unveil the main centres of printing culture in eighteenth-century Italy. In this manner, this study aims to improve the history of the development of civil culture in Italy in the early-modern period.

## The Italian context

External and internal confrontations marked the first half of the eighteenth century in the Italian states. From the international perspective, Italian states suffered before the redefinition of the European balance of power. Various Italian states feared that the major wars and the Pope's fights to reaffirm his political power in Europe under the framework of the Counterreformation era took place on the Italian Peninsula. The Pope threatened the exiting balance of power in different European states through constant interventions, most of the times, via the Inquisition through major attempts to stabilise his power in the Christendom. In such fights, the Pope counted on not only his Castilian ally, but also the various religious communities that fought for the Pope's preference in his enterprise.

The eighteenth century began with the War of the Spanish Succession from 1701 to 1714 (Utrecht 1713 and Rastatt and Baden 1714), continued with the War of the Polish Succession of 1733 to 1735 (the Treaty of Vienna 1738), and with the

War of the Austrian Succession of 1740 to 1748 (the Treaty of Aix-la-Chapelle 1748). As is well known, these events not only changed the balance of power in Europe, but most of all the configuration of the small Italian states where these wars had a massive impact. The first European conflict carried repercussions particularly in the Italian territory, where the leading families – specifically, the Habsburgs and the Bourbons – had to contend with their power in a fight mediated by the Pope and his policies within the Counterreformation programme. After signing the peace treaties of Utrecht in 1713 and Rastatt and Baden in 1714 marking the end of the War of the Spanish Succession, which did not satisfy the contesting parties, the Bourbons continued challenging the power of the Habsburgs in the following decades, particularly in Central Europe.<sup>19</sup>

By 1714, the Spanish monarchy officially lost the southern Netherlands (Belgium and Luxemburg) as well as two-thirds of Italy, that is, ‘the garden of the Empire’, which one of Charles V’s chancellors used to denominate Spanish Italy.<sup>20</sup> The Duchy of Milan, Piombino in Tuscany, and the island of Sardinia passed to the emperor Charles VI (1685–1740) as well as the Kingdom of Naples, which remained within the sphere of the Holy Roman Empire until it was made an independent kingdom in 1734. The kingdom of Sicily, however, passed to the Duke of Savoy Victor Amadeus II (1666–1732), who in 1718 exchanged it with the emperor for the island of Sardinia. Yet, he retained its crown, which actually rendered him a king. There were also enormous changes regarding other Spanish territories both in Europe and in the Americas, but those lie beyond our interest here.

Despite all of these changes depicted by the great Giovanni Battista Tiepolo (Venice 1696–Madrid 1770), in the second half of the eighteenth century the Spanish monarchy was still considered the secular arm of the papacy, the sole guardian of political stability within Europe, and the champion of Christian cultural values. Spain is depicted as a female figure amongst lions representing the province of Leon. The old woman beside the castle represented Castile and Hercules symbolised the traditional protector of Spain with a column that symbolised Gibraltar. This was the strongest image publicising the strength of the Spanish monarchy after losing important territories in Europe.

From an internal perspective, within the Italian Peninsula the first half of the eighteenth century was a time of political and economic crisis for all of the Ital-

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<sup>19</sup> Joel Colton, Robert R. Palmer, and Alfred Knopf, *A History of the Modern World* (New York: Random House, 1984), 234.

<sup>20</sup> See Anthony Pagden, *Spanish Imperialism and the Political Imagination* (New Haven and London: Yale University Press, 1990), 4.



ian states, exacerbated by the threat of the great powers taking the subsequent succession wars to Italian soil. This would bring destruction and ruin to the peninsula. Another important element that could threaten the fragile stability of the peninsula after the war of Spanish succession was the extensive European interests of Rome. Rome certainly reacted to these wars and changes in an attempt to consolidate its political power and slowly re-establish its prominent position in the new situation, until the European powers – more specifically Spain – reaffirmed what Tiepolo depicted in the 1760s. Rome critically needed to maintain its position in this new international situation.

The 1730s were marked by the beginning of the Polish Succession War (1733–1735). Charles Emmanuel III (1701–1773), the Duke of Savoy and King of Sardinia, entered the war. In contrast to his father's position, this time he did so by siding with the Bourbons with the sole objective of winning Lombardy to Piedmont. However, this time Austria and France reached an agreement relatively quickly. A preliminary peace agreement was signed in 1735, but the war formally ended with the Treaty of Vienna in 1738. Augustus III was confirmed as the king of Poland, and France awarded to his opponent the Duchy of Lorraine. The former Duke of Lorraine obtained as compensation for his loss the Grand Duchy of Tuscany and, in this manner, Austria could preserve most of the Lombard territory in addition to the Duchy of Parma. Charles of Parma took the crown of the Kingdom of Naples in 1734, declaring it independent. Yet, this act represented territorial gains for the Bourbons. Finally, Novara and Tortona passed to the Savoy family.

As far as the War of the Austrian Succession is concerned, it extended across most of the 1740s. Despite lasting eight years, it did not significantly modify the balance already created by Utrecht and Rastatt and Baden. The Holy Roman Empress Maria Theresa (1717–1780) retained the thrones of Austria, Bohemia, and Hungary, and in Italy the Duchies of Parma, Piacenza, and Guastalla were restored to the Spanish monarchy. Thus, whilst the first war of the eighteenth century brought considerable changes to the Italian Peninsula, the second and the third wars carried small modifications to that initial map.

In this context the ancient republics resisted maintaining their status. The Republic of Genoa was threatened but not attacked. Whilst the *Serenissima* Republic of Venice ratified its neutrality, Tuscany survived an awkward moment before the possible extinction of the Medici family, as well as Parma before the disappearance of the Farnese lineage. Most likely, the lack of heirs in Tuscany and Parma allowed them to be easily swept up in the massive modifications accompanying the eighteenth-century succession wars.

By the mid-eighteenth century, Italian thinkers from all of the Italian states awaited the collapse of ancient structures and prepared various political rem-

edies. However, together they constituted a fascinating laboratory where old and new political solutions were ready to respond to whatever European eventuality emerged. Nonetheless, this situation was valid not only for the reality of the Italian Peninsula, but also for other European states. This period witnessed the rise of lofty discussions on rights, privileges, and pretensions to principalities and duchies, but also to monarchies and empires. Moreover, the fragile equilibriums between cities and their rulers were particularly shocked before major redefinitions and the emerging reform plans.<sup>21</sup>

The political and juridical experiments that sought a balance between principalities, kingdoms, and empires, between cities and their rulers were mediated by the popes, who used their resources to strengthen the Vatican's power by tipping the scales at the regional and international levels towards their families and their states. Pope Clement XII was Pope from 1730 until his death in 1740 and was the last pope to belong to one of the great Italian families. Following him, as pointed out by the historiography, the Vatican remained in the hands of smaller and more miserable families of provincial nobility.<sup>22</sup>

Finally, the religious communities contended amongst themselves for the preference of the Pope to assist him in his struggle to maintain the political power of the Vatican. Various religious communities contended the power of the Jesuits in Rome. In the north of Italy, Jansenists and Rigorists were active members of cultural milieus. This is relevant since the historiography has established that the circulation of Pufendorf's texts was linked to debates amongst Jesuits and Jansenists and because Italian Jansenists were supporters of Joseph II's reforms.<sup>23</sup> Although this connection explains why Pufendorf's texts circulated around Jansenists milieus in late eighteenth century, it is not valid for the earlier circulation, which obeyed to different European political contexts.

## Pufendorf's natural law in Italian translation

It was in this late eighteenth-century political context marked by the European redefinition of the balance of power that modern natural law theorists – mainly Grotius, Hobbes, Pufendorf, and Heineccius amongst others – were discussed and translated. In what follows, this chapter focuses on the circulation and

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<sup>21</sup> Franco Venturi, *Il Settecento Riformatore* (Turin: Giulio Einaudi, 1969).

<sup>22</sup> Venturi, *Il Settecento Riformatore*, 251–252.

<sup>23</sup> Bazzoli, *Il Pensiero Politico dell'Assolutismo Illuminato*, see chapter 7.

forms of the appropriation of Pufendorf's texts in eighteenth-century Italian states.<sup>24</sup>

On 20 January 1757, the Lombard Jurist Giovanni Battista Chiaramonti wrote to jurist and celebrated member of the Republic of Letters the Florentine Giovanni Lami to announce the publication of the first volume of Pufendorf's *De jure naturae et gentium* by Giambattista Almici. In his letter, Chiaramonti communicated to Lami that the first volume of Pufendorf's *De jure* published in Venice, carefully corrected, enlarged, and illustrated by Almici, was receiving a favourable response and judgment amongst learned men.<sup>25</sup>

The translator of *De jure* Giambattista Almici was born in Brescia, one of the seven most powerful cities in Lombardy. Almici most likely had positioned himself amongst the learned men of the region through his brother, Pietro Camillo, who happened to be of one of the main pillars of Jansenism in northern Italy.<sup>26</sup> Research shows that Pufendorf's works circulated in northern Italy in circles in Italian historiography identified as 'Rigorist Catholic' groups. These groups were particularly strict followers of the Counterreformation programme during the second half of the eighteenth century.<sup>27</sup> That is, Pufendorf's translation of *De jure* circulated amongst groups that did not need to prove their loyalty to the Pope and the Christian faith in that moment.

However, recent research has shown that the publication of this book was not as welcome in Brescia as Chiaramonti affirmed to Lami in the letter referred to above. Indeed, its publication provoked a significant scandal amongst orthodox groups. Pufendorf's translation was, ultimately, the text of a protestant author included in *Index Librorum Prohibitorum*, a fact which did not pass as unnoticed as Chiaramonti wanted to persuade.<sup>28</sup> It is reasonable to think that Chiaramonti's intent was to convince Lami in Florence regarding the positive reception of the text in Brescia and Venice to encourage its circulation in Florence. The most important matter was that, although the men involved in the enterprise

<sup>24</sup> For an account of studies on the circulation of Grotius during this period, see Luna-Fabritius, "Providence and Uses of Grotian Strategies."

<sup>25</sup> Giovanni Battista Chiaramonti, "Letter to Giovanni Lami, Brescia, January 20, 1757," (Florence: Biblioteca Riccardiana), ms 3719, c 169r and Id., "Letter to Giovanni Lami, Brescia, March 12, 1757," (Florence: Biblioteca Riccardiana), ms. 3719, c 171r. The information on the translator is enclosed in the correspondence of Giovanni Lami. On Almici, see also Bazzoli, "Giambattista Almici e la diffusione di Pufendorf", 3–100.

<sup>26</sup> Quagliani, "Pufendorf in Italia," 235–250; Bazzoli, "Giambattista Almici e la diffusione di Pufendorf," 3–100; Id., "Aspetti della ricezione di Pufendorf", 41–60.

<sup>27</sup> Bazzoli "Giambattista Almici e la diffusione di Pufendorf".

<sup>28</sup> Patrizia Delpiano, *Il governo della lettura. Chiesa e libri nell'Italia del Settecento* (Bologna: Il Mulino, 2007), 90–91.

of translating and disseminating *De jure* were convinced that Almici's commentaries and amendments to Pufendorf's text rendered it ready for Catholic audiences, its circulation would not be unproblematic. Interestingly enough, despite the reaction produced by the publication of the first two volumes in 1757, the third came out in 1758 and the fourth in 1759.<sup>29</sup> Thus this evidence is another confirmation that despite the difficulties related to censored texts important levels of toleration also existed in the Catholic contexts.

Yet, the story of Pufendorf's texts did not end with the publication of Almici's translation. Between 1753 and 1758, a Latin edition of Pufendorf's *De officio hominis et civis secundum legem naturalem* was published in Venice by Giuseppe Bettinelli, but with the false indication of Frankfurt and Leipzig.<sup>30</sup> Likewise, in 1758, Girolamo Dorigoni, one of the principal Venetian editors, published Mascuvius's Latin edition of *De jure*.<sup>31</sup>

In addition to the previous Latin publications from 1753 and 1758 of *De officio* and *De jure* and from Almici's translations of *De jure* from 1757, 1758 and 1759, between 1761 and 1767 Michele Grandi (1718–1786)<sup>32</sup> published the first translation into Italian of *De officio hominis*, which was published in Venice from the French translation of Barbeyrac with corrections, additions, and illustrations.<sup>33</sup> Grandi was a priest born in Udine, another city in north-eastern Italy, where he had studied philosophy and theology. He obtained his doctorate in law, however, from the University of Padua. According to the historiography, the main difference between Grandi's and Almici's aims was quite evident. It has been noted

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29 Panizza "La traduzione italiana del *De Iure naturae*," 483–528 and Bazzoli "Giambattista Almici e la diffusione di Pufendorf".

30 The edition indicates Samuel Pufendorf, *De jure naturae et gentium* (Francfurti: Lipsiae impensis Heinrici Broenneri, 1757).

31 Pufendorf, *De jure naturae et gentium*. Cfr. Mario Infelise, *L'editoria veneziana nel 700'* (Milan: Franco Angeli, 1989), 87–88, 94; Antonio Rotondò, "La censura ecclesiastica e la cultura," in *Storia d'Italia*, vol. V, ed. Ruggiero Romano and Corrado Vivanti (Turin: Einaudi, 1973), 1397–1492; Marino Berengo, *La società veneta alla fine del Settecento* (Florence: Sansoni, 1956), 134–161. Francesco Ruffini, *La Libertà religiosa: storia dell'idea* (Milan: Feltrinelli, 1967). On the circulation of Almici's translation in Tuscany and the confiscation of books in the house of Rigaci in Florence, see Niccolò Rodolico, *Stato e Chiesa in Toscana durante la reggenza lorenesse (1737–1765)* (Florence: Le Monnier, 1910), 166–167, 327; Sandro Landi, *Il governo delle opinioni. Censura e formazione del consenso nella Toscana del Settecento* (Bologna: Il Mulino, 2000), n.31, 61, n.36, 63.

32 On Grandi see Carlo Morelli di Schönfeld, *Osservazioni ed Aggiunte di G.D. Della Bona. Istoria della Contea di Gorizia* (Gorizia: Tipografia Paternolli, 1856), 305–308.

33 As Samuele Pufendorf, *I doveri dell'uomo e del cittadino tali che a lui sono prescritti dalla legge natural, dalla versione francese di Giovanni Barbeyrac*, 3 vols., trans. and ed. Michele Grandi Accademico di Udine, (Venice: Pietterri, 1761–1767).

that despite Grandi's solid moralist and orthodox leaning, he was committed to the dissemination of enlightened ideas. Part of that project was the diffusion of Barbeyrac's interpretation of Pufendorf himself that he certainly considered an enlightened author. According to these objectives, Grandi was known in Italy for being a defender of Barbeyrac and in opposition to Almici. Evidence of this position primarily relies on the publication of an appendix to his translation of Pufendorf's *De officio*, Barbeyrac's *Discours sur la permission des Loix* (1715)<sup>34</sup> to the Academy of Lausanne, *Discours sur le Bénéfice des Loix* (1716),<sup>35</sup> and *Jugement d'un Anonyme sur l'original de cet Abrégé*.<sup>36</sup>

To close the section on Pufendorf's Italian translations and Latin editions, let us move to that completed by the Neapolitan lawyer Domenico Amato. He published his translation of *De officio hominis* in Naples in 1780,<sup>37</sup> with the second edition following in 1785. In the translator's preface, Amato affirmed that although he was familiar with Barbeyrac's translation of *De officio* he decided to use the Latin edition published in Lund in 1683 [1682]. However, in his notes, Amato commented on what he considered the main problem with Barbeyrac's translation, most notably, on the bond of men to laws and men's will – that is, the problem of human's sociability.<sup>38</sup> Be that as it may, it is remarkable that according to the historiography, Pufendorf's *De officio* and Grotius's *De Iure*

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34 Jean Barbeyrac, *Discours sur la permission des Loix* (Geneva: Fabri & Barrillot, 1715). Italian translation, "Discorso sulla permissione delle leggi: nel quale si fa vedere che non è sempre giusto ed onesto quello ch'è dalle leggi permesso" in Pufendorf, *I doveri dell'uomo*.

35 Jean Barbeyrac, *Discours sur le Bénéfice des Loix* (Geneva: Fabri & Barrillot, 1716). Italian translation "Discorso sul beneficio delle leggi: nel quale si fa vedere che non può sempre un uomo onesto prevalersi dei diritti e dei privilegi che le leggi accordano," in Pufendorf, *I doveri dell'uomo*.

36 Jean Barbeyrac, "Jugement d'un Anonyme sur l'original de cet Abrégé, avec des réflexions du Traducteur," in Samuel Pufendorf, *Le devoirs de l'homme et du citoyen*, trans. Jean Barbeyrac (Trévoux: L'imprimerie de S. Altesse Serenissime, 1741). Italian translation "Giudizio di un Anonimo sopra l'originale di questo ristretto, colle riflessioni di Mr. Barbeyrac, le quali serviranno ad illustrare alcuni principj dell'Autore", in Pufendorf, *I doveri dell'uomo*. See also Bazzoli "Giambattista Almici e al diffusione di Pufendorf," 46, and Elisabetta Flocchi Malaspina, *L'eterno ritorno del Droit des gens di Emer de Vattel (sec XVIII-XIX). L'impatto sulla cultura giuridica in prospettiva globale* (Frankfurt am Main: Max Planck Institute, 2017), 57.

37 Samuel Pufendorf, *De' doveri dell'uomo e del cittadino secondo la Legge Naturale, libri due*, trans. Domenico Amato (Naples: Fratelli Raimondi, 1780) and the second edition *De' doveri dell'uomo e del cittadino secondo la Legge Naturale libri due*, trans. Domenico Amato (Naples: Petraraja, 1785).

38 Ibid., 24–25.

*Belli ac Pacis* (1777)<sup>39</sup> in Latin or in Italian translated from the French editions of Barbeyrac represented compulsory reading for an entire generation of Neapolitan political economists.<sup>40</sup>

## On *socialità*

As discussed above, the historiography of Almici's translation of *De jure* identified human's sociability as a Pufendorfian theme. However, the reality is that no study has examined whether this theme stemmed from the original text in Latin or from Finetti and Facchinei's commentaries on the text of the German Benedictine Anselmo Desing and his *Juris naturae larva detracta*.<sup>41</sup> The intellectual connection has not been established nor the channels of dissemination between the northern Italian states and the Holy Roman Empire have been visualised. Yet, the understanding the political situation points to the strong intellectual connection and the possibility that this discussion could have also passed through strong cultural transfers with this milieu, most probably created before the European balance of power crisis.<sup>42</sup>

Despite the polemic created by Italian translations of Barbeyrac's French editions of Pufendorf's texts and that some editions being published in Latin in Italy during the period in question, it is noteworthy that Almici decided to publish Barbeyrac's translations with extensive notes and commentaries rather than reverting to the original versions. Particularly when it was his main intention to publicise Pufendorf and not Barbeyrac as it has been supposed for the case of Grandi.<sup>43</sup> It was only Amato in his Neapolitan edition of *De officio* who undertook this initiative of going back to Pufendorf's original text. Amato's decision could be read as a confirmation of the common place that circulated amongst Italian readers that Pufendorf's texts were included in the *Index Librorum* in

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39 Hugo Grotius, *Il diritto della guerra e della pace di Ugone Grozio colle note dello stesso autore, e di Giovanni Barbeyrac*, trans. Antonio Porpora (Naples: Giuseppe de Dominicis, 1777).

40 See Salvo Mastellone, "Parole introduttive," in *La recezione di Grozio a Napoli nel Settecento*, ed. Vittorio Conti (Florence: Centro Editoriale Toscano, 2002), 7–12 and Luna-Fabritius, "Providence and Uses of Grotian Strategies".

41 See Desing, *Juris naturae larva* and Venturi's insights in *Utopia e riforma*, (Turin: Einaudi, 1970), 128–129.

42 Luna González, "From Self-preservation to Self-liking" and Luna-Fabritius, "Providence and Uses of Grotian Strategies".

43 Bazzoli, "Aspetti della Recezione di Pufendorf nel Settecento Italiano," 53–54 and Fiocchi Malaspina, *L'eterno ritorno del Droit des gens*, 57–58.

1711 due to Barbeyrac's additions.<sup>44</sup> So without Barbeyrac's modifications Pufendorf's texts could circulate in wider audiences. Likewise, Grandi's decision to use the French translation makes stronger the claim that Barbeyrac was associated with enlightened ideas and thus worth the effort of making the French author known and acceptable to Italian audiences.

Regarding the northern translators that used the French editions of Barbeyrac, it is notorious that although Almici expressly announced that he would attempt to render Pufendorf's writings, particularly *De jure* ready for wider Italian audiences through his intervention and emendations to the problematic areas, Grandi distinguished himself in this enterprise with his more complex translation of *De officio*.

In his translation of *De jure*, Almici introduced significant corrections to Barbeyrac's edition and notes.<sup>45</sup> In a letter to Giovambattista Lami from 26 May 1768, Almici explained his full plan of modifications. This letter is long. In a nutshell, Almici's main concern focused on correcting the accounts of human's sociability, natural law as a duty, and stressing God's binding force of laws and human beings to society. Almici then defined sociability as the human's capacity to understand natural law commands, as well its bonds to laws and their fellow men, which he insisted, all human beings have. For Almici the discussion of human sociability served as the foundation of human communality as well as the main principle Pufendorf's science. Defined in this manner, sociability was human beings' moral capacity to organise civil life, which every human being has. In Almici's words this passages reads:

[i]t is not possible to conceive an operative and compulsory society without the intervention of conventions, and thus it is [crucial] to establish civil conventions to which the members of the society are obliged when they joined the society, and to defend each other under certain rules of government, from the diversity of which then come the various forms of civil societies and republics.... that is, monarchist, aristocratic, or democratic in which the will and forces of all the members of the society converge. While regarding the governing body, its power to command derives from the submission of the will and strengths of the members to his command. From which results in a correspondent obligation between the emperor and the members, that is, submission and obedience, the preservation and defence of them.<sup>46</sup>

<sup>44</sup> For further details on the practices of the Inquisition in controlling readership in eighteenth century, see Delpiano *Il governo della lettura*, 82, for the date of the censorship of Pufendorf's *De Iure Naturae*, 91.

<sup>45</sup> Diego Panizza "La traduzione Italiana," 483–528; Berengo, *La società veneta alla fine del Settecento*, 152 and Venturi, *Il Settecento Riformatore*, 251–252.

<sup>46</sup> Gio Battista Almici, "Lettera a Giovanni Lami, 26 Maggio 1768," *Novelle Letterarie pubblicate in Firenze* (Florence: Stamperia Granducale, 1768), 456–461 (author's translation).



According to Almici, this principle of the new science tackles the problem of human sociability posed by Pufendorf's natural law theory. It establishes civil conventions for the defence of all citizens under specific rules of government. Consequently, from this diversity derives the various forms of civil societies and republics. Therefore, by establishing and following these rules of governing body, rulers' powers to command and the obligation between the emperor and citizens naturally follow given that they are grounded in their self-preservation and their defence.<sup>47</sup>

Furthermore, Almici discussed the obligations and duties prescribed by natural law and the division of natural laws according to the 'improved' account of men's sociability. He stressed that this 'improved account' should be enough to *keep the religious bonds needed to ensure men's self-preservation* without offending any society that benefits from the protection of the rights shared by its members.<sup>48</sup> Moreover, in the political context of Brescia at that time this statement could also be read as an argument in favour of religious tolerance.

Thus far, it was Almici's plan to intervene in Pufendorf's *De jure* and to have it removed from the *Index Librorum Prohibitorum*. In Almici's opinion, after adjusting human's sociability in this manner, *De jure* was ready for discussion not only in the Academies and debating societies, but also at Italian universities. From Almici's reactions, it is clear that Barbeyrac's edition was notorious for the stress placed on human's unsocial sociability, which Almici thought was corrected in his translation. This appeared to be the most problematic element of Pufendorf's natural law theory in this northern-Italian context.

However, as is widely known, Almici did not achieve his objective to have *De jure* removed from the *Index* and this might have served as motivation to Michele Grandi, who published the first Italian translation of *De officio* in 1761 in three volumes in Venice. The case for a second attempt at popularising Pufendorf's natural law theory seemed to stem from the emerging gap created by the conflict and further the suppression of the Company of Jesus that concluded with the expulsion of the Jesuits in 1773. During that period, Grandi became a professor of moral philosophy, law, and history of the Church following the general reform from Vienna. It was at that precise moment that Grandi accomplished his enterprise. Grandi translated *De officio* using Barbeyrac's French edition,<sup>49</sup> and included sixty-five notes and corrections to the translation. As previously mentioned, Grandi's translation included three additional lectures in appendix,

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid. (author's emphasis).

<sup>49</sup> Pufendorf, *Dei doveri dell'uomo*.



which Barbeyrac had delivered to the Academy of Lausanne, and which he included in his translation of *De officio* from 1717.<sup>50</sup>

Current historiography has interpreted this attitude as an attempt to engage in a broader discussion with Almici on the main Pufendorfian themes, most notably on *perseitas*.<sup>51</sup> According to it, for Michele Grandi, it was fundamentally necessary to discuss Pufendorf's understanding of good and bad in moral actions as an independent external imposition of God. In the view of the commentators, in his annotations Grandi analysed *perseitas* through a historical perspective. That is, he revised the views of the Dominicans, Franciscans' voluntarism, the Second Scholastic, and the most respectful theologians from Salamanca until seventeenth-century philosophical, juridical, and other theological debates thereof.<sup>52</sup> For some Italian commentators, Pufendorf's theory of natural indifference related to human actions is relevant since it was indeed the rational foundation of his theory of duty.<sup>53</sup>

According to Grandi in his annotations to *De officio*, Pufendorf approached the question of *perseitas* in such a different manner that it gave binding force to the laws. His conclusion was that natural laws are i) expressly communicated by the legislator or ii) transmitted somehow to men. In Grandi's view, in his attempt to detach from Hobbes's natural law, Pufendorf opted for the second option and affirmed that God wanted natural law to rule human actions. The direct transmission from God to men was indeed the essence of the law. According to Grandi, Barbeyrac had emphasised that the same occurred in the relationship between the sovereign and his subjects. However, in the absence of a command, duty could also be transmitted through rational judgments of the sovereign allowing him to guide his acts towards what he considers in accordance with the legislator's will.<sup>54</sup>

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50 Barbeyrac, *Discours sur le bénéfice des loix*; Jugement d'un Anonyme sur l'original de cet Ab-régé and *Discours sur le bénéfice des loix*.

51 For an Italian discussion of *perseitas* in Pufendorf see Todescan, *Le radici teologiche del gius-naturalismo laico*, 71 and Bazzoli, "Aspetti della Recezione di Pufendorf", 56.

52 On Pufendorf's discussions against his Lutherans critics, cfr. Fiammetta Palladini, *Discussioni seicentesche su Samuel Pufendorf*, 39–40; Id., "Pufendorf and Stoicism", *Grotiana*: 22–23 (2001–2002): 245–256.

53 Palladini, "Pufendorf and Stoicism".

54 Maurizio Bazzoli, "Aspetti della Recezione di Pufendorf", 56–60 and for an interpretation of Barbeyrac's commentary on this topic, see Petter Korkman, "Civil Sovereign and the King of Kings: Barbeyrac and the Creator's Right to Rule", in *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought*, ed. Ian Hunter and David Saunders (London: Palgrave Macmillan, 2002), 109–122.

Grandi ensured that law is a command that stands in accordance with reason even without the explicit endorsement of God's will through the Bible. However, Grandi's struggle continued when he noted that good and bad moral actions could not be automatically deduced through the imposition of a divine or human legislator or through their intrinsic nature. That is, Grandi did not accept that God's will as a legislator could be understood as an undifferentiated and omni-comprehensive notion.<sup>55</sup>

Defined in this manner, *perseitas* required correction along with Almici's passive attitude towards this concept.<sup>56</sup> According to Grandi, understanding that God manifests His will not through one act but two was necessary: one act as a creator and the second as a legislator. The first distinguishes men from their fierce condition. This act is the act that commands human beings that God has created them to live according to religion, self-preservation, and sociability. In Grandi's view, human's rational condition allows them to understand that God has created them to live a life according to these principles. Thus, those principles should not be viewed only as ruling all of their moral actions, but also as the foundations of natural law. Accordingly, Grandi argued that the possibility to understand these ideas serves as sufficient proof that every single human being possesses the freedom to act.<sup>57</sup> In the pages that followed, Grandi proposed some examples. These included, for example, blasphemy as an act against religion and suicide as a bad act by nature because it goes against the principle of self-preservation. Homicide and robbery are bad actions in themselves because they go against the principle of sociability. Therefore, God's will as creator alongside human reason are sufficient to determine if actions are intrinsically good or bad. In addition, there is no need for the manifestation of God's divine will through the Bible to assert that, as Hobbes affirmed. Nor was the manifestation needed, as a previous divine act of legislative will as Pufendorf and Barbeyrac stated.

Grandi concluded his analysis stating that Pufendorf distanced himself from Hobbes by affirming that the moral acts deduced by reason result from natural law and obligatory law. Likewise, honest and dishonest acts should subsist by themselves before the legislative will of God. For Grandi, this position was not clear enough in Pufendorf's or Barbeyrac's texts. Thus, they seemed closer to Hobbes, creating the idea of a closeness across the three authors and that is why he felt compelled to comment on these matters.<sup>58</sup>

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<sup>55</sup> Maurizio Bazzoli, "Aspetti della Recezione di Pufendorf," 56–60.

<sup>56</sup> Pufendorf, *I doveri dell'uomo*, cit, vol. 1:193.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., vol. 1: 196.

For some Italian scholars, Grandi's account of Pufendorf's theory of indifferent good and bad acts looked closer to Grotius's theory of obligation creating a vicious cycle<sup>59</sup> – despite Pufendorf's express critique thereof. For other Italian scholars, Grandi's position was in reality closer to Daniele Concina. In his *Revealed Religion* (Venice 1754)<sup>60</sup> Concina tied together Hobbes and Pufendorf.<sup>61</sup> However, a third position of Italian historiography has suggested that Grandi's discussion on *perseitas* and his position were also motivated by a contemporary practical discussion on usury. Be that as it may, along the lines of the rigorist thesis Grandi argued that usury transgresses the principles of natural law contradicting God's will as a creator – that is, of sociability.<sup>62</sup> In his conclusion to his commentary on this matter, Grandi affirmed that moral order could never be indifferent. However, according to Grandi, despite the strengths and weaknesses of the emergent discussion, Jesuits' casuistry was undoubtedly worse than Pufendorf's and Barbeyrac's position.

In line with Italian historiography, one could argue that the echoes of northern discussions on sociability resonated in Naples, thereby motivating Domenico Amato to complete his translation of *De officio*. However, it is possible that a contemporary practical discussion illuminated the matter, since it was the case of usury in Grandi's context. Nevertheless, the reality is that a gap exists within this line of research. Amato's translation was published in Naples in two editions in 1780 and 1785.<sup>63</sup> In the first edition, it was associated with cultural circles frequented by Antonio Genovesi and Ferdinando Galiani.<sup>64</sup>

Yet, new evidence regarding the circulation of Grotius texts in Naples during the last decades of the seventeenth century led us to confirm that Pufendorf's ideas circulated directly or indirectly in Naples earlier. Evidence exists that the circulation of modern natural law texts in Naples had begun a century earlier and that dissemination was long and continuous throughout this period.<sup>65</sup>

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<sup>59</sup> Bazzoli, "Aspetti della Recezione di Pufendorf," 59.

<sup>60</sup> Cfr., Daniele Concina, *Della religione rivelata contra gli Ateisti, Deisti, Materialisti, Indifferentisti che negano la verità de' Misterj, libri cinque*, 2 vols (Venice, 1754).

<sup>61</sup> See Alberto Vecchi, *Correnti religiose nel Sei-Settecento Veneto*, (Venice and Rome: Istituto per la collaborazione culturale, 1962). Alfonso Prandi, *Religiosità e cultura nel '700 italiano* (Bologna: Il Mulino, 1966); Mario Rosa, *Politica e Religione nel Settecento Europeo* (Florence: Sansoni, 1974), 37 and Bazzoli, "Aspetti della Recezione di Pufendorf," 58.

<sup>62</sup> Pufendorf, *I doveri dell'uomo*, 2, 299.

<sup>63</sup> Pufendorf, *De' doveri dell'uomo*.

<sup>64</sup> Bazzoli, "Aspetti della Recezione di Pufendorf," 47.

<sup>65</sup> Luna González, "From Self-preservation to Self-liking", and Luna-Fabritius, "Providence and Uses of Grotian Strategies".

This line of inquiry has shown that Genovesi was indeed associated with that Neapolitan milieu, whereas it appears that Galiani forged his own path.<sup>66</sup>

In the preface of his translation, Domenico Amato commented that although he knew about the publication of Barbeyrac's translation of *De officio* he had decided to use the Latin edition from Lund from 1682 instead. Amato began his commentary on what he considered the main problem of Barbeyrac's translation. Most notably, the bond of men to laws and human being's will – that is, again, the problem of human sociability as already defined by Almici.<sup>67</sup> The way this debate was settled by Amato leads us to believe that either he was aware of the on-going debate in northern Italy or that the problem of human sociability was rather common.

For Amato, the book that readers had in their hands was the most important instruction for their lives, since it informed them about their duties to society and provided them with knowledge about laws. Accordingly, the science of knowing one's duties towards God and our fellow men could not be perfect. Yet, that instruction could not be set aside, especially if one is involved in public or private affairs, since ignoring ones' duties represented an offence to the laws of honesty. Given the close connection between honesty and eternal happiness, men's duties should be understood in depth. According to Amato, the laws of nature form all others since they contained the justice and authority reinforcing its binding force. Amato affirmed that natural laws are not an invention to the human spirit nor an arbitrary creation of the people, but represent the expression of the eternal reason that rules the universe.

Therefore, for Amato natural law promotes the virtues and stops any vices in society against the fatherland, settling fortitude into the hearts of the people. Natural law is a law according to the nature of all human beings, which is constant, immutable, and eternal. Natural law is only able to conduct men to fulfil their duties and avoid evil. Amato's commentary, however, denotes a remaining need to solve the problem already raised by unsocial sociability discussed in Neapolitan academies a century earlier.<sup>68</sup> In Amato's straightforward opinion, for this reason, natural law does not allow removing, changing, or abolishing

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66 Luna González, "From Self-preservation to Self-liking"; Adriana Luna-Fabritius, "Visions of Sociability in Early Modern Neapolitan Political Thought," in *Processes of Enlightenment – Essays in Honour of Hans Erich Bödeker*, ed. Jonas Gerlings, Ere Nokkala, and Martin van Gelderen (Liverpool: Liverpool University Press, forthcoming) and Id., "Providence and Uses of Grotian Strategies".

67 "Delle cose, alle quali uno è forzato and 25.8 Delle azioni di quelli, che non han l'uso della ragione". Cfr. Pufendorf, *De' doveri dell'uomo*, 24.7.

68 Luna-Fabritius, "Visions of Sociability".

anything from natural laws. Natural laws are clear in themselves and do not require any interpretation. Natural laws do not differ in Rome or in Athens and will be the same tomorrow in comparison to today. This situation is so because God is the author of them and He is the only sovereign of all human beings. That is, no prince nor Senate nor people are capable of abolishing or derogating them. Furthermore, whomever attempts to violate them would be renouncing his human nature, detaching himself from his nature. Based on the tone of these statements providing more than a summary of Pufendorf's natural law, it seems that Amato is instructing his audience regarding the proper interpretation. The normative tone is predominant.

In his preface as well, Amato stated that by publishing Pufendorf's work he aimed to demonstrate through the use of Christian and Pagan philosophy the utility and authority of natural law. Moreover, Amato wanted to clarify the divine origin and the need to learn its precepts to acquire the knowledge of the divine and human affairs. He also wanted to clarify the right way to address one's actions towards honesty. According to Amato, Pufendorf, together with Grotius – given their understanding of the chaos amongst ancient jurists, decided to create a new order in which men could live in a methodical system of moral discipline to instruct men on natural law. This served as the foundation of society, primarily the duties resulting from it.

All in all, Amato considered Pufendorf's work on natural law and on nations as excellent, an elegant collection of humans' and citizens' duties. This was his primary motivation in bringing this work to Naples in the vernacular. He confessed that Barbeyrac's edition with commentaries by Immanuel Weber (1659 – 1726),<sup>69</sup> Gershom Carmichael (1672 – 1729),<sup>70</sup> Sebastien Masson,<sup>71</sup> Gottlieb Gherard Titius (1661 – 1714),<sup>72</sup> and Everard Otto (1685 – 1756)<sup>73</sup> among others was un-

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<sup>69</sup> He is referring to Samuel Pufendorf, *De officio hominis et civis juxta legem naturalem libri duo*, curante Immanuele Webero, editio 6ta, (Francofurti et Lipsiae: sumptibus E. Bronkce, 1700).

<sup>70</sup> Samuel Pufendorf, *De officio hominis et civis, juxta legem naturalem. Libri duo. supplementis et observationibus in Academiae Juventutis usum auxit et illustravit Gershomus Carmichael* (Glasgow: 1718), (Edinburgh 1724). See also James Moore and Michael Silverthorne, "Gershom Carmichael and the Natural Jurisprudence Tradition in Eighteenth-Century Scotland," *Man and Nature. L'Homme et la Nature* 1 (1982): 41–53.

<sup>71</sup> Samuel Pufendorf, *De officiis hominis et civis, prout ipsi praescribuntur lege naturali libri duo: cum notis, viri Consultissimi ac Celebrerrimi Dn Io Barbeyracii ex Gallico in Latinum Sermonem versis a Seb. Masson, Giessae, Sumptibus Ioannis Philippi Krieger* (Giessen: Sumptibus Ioannis Philippi Krieger, 1728).

<sup>72</sup> Samuelis Pufendorffii, *De officio hominis et civis juxta legem naturalem Libri duo. Observationibus antea separatim editis*, D. Gottlieb Gerhard Titio, Lipsiae: Sumptibus Haered, Lanckisii, 1709).

doubtedly relevant. Yet, he had made his own decision. He recommended to his readers that they experience the utility of this book that he was presenting to the public to silence the noise caused by passions that lead them to ignore their duties. Amato asserted that by reading his translation of *De officio* readers would hear the sweet invitation to fulfil their duties and feel the love of God that comes from piety, from loving one's self, from wisdom, from loving his fellow men and from all social virtues. That is, Amato was trying to reconcile what in that time was known as religious and secular forms of happiness.<sup>74</sup>

Christian virtues were crucial to developing human beings' sociability since they keep individuals bound to their duties. More importantly, Amato added, Christian virtues were paramount since they made human beings suitable for commerce in civil life. According to Amato, if someone who claims to profess Christian values cannot stop being turbid, seditious, and unsociable, we could frankly proclaim that Christian religion is only on their lips, but not in their heart.<sup>75</sup>

According to his plan, Amato presented the natural law in the following manner: Jesus Christ should be seen as the summary of all moral laws included in two rules, namely, i) the love of God and ii) the love of their fellow men. Accordingly, in Amato's account, in the state of nature in which human beings were in a fallen condition, only these two natural laws applied. The duty to love of our fellow men and sociability derive from the need to overthrow that fallen condition. In turn, we can only infer particular maxims derived from these principles, and only a slight or no difference should be recognised in the integrity between moral theology and natural rights. Similarly, the distinction between them, which was considerable after the fall from paradise, would vanish.<sup>76</sup>

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73 Samueli Pufendorffii, *De officio hominis & civis, secundum Legem Naturalem, Libri Duo*. Evarardus Otto, *Jctus. Repetita praelatione recensuit & Adnotationibus illustravit. In quibus Utilitas Juris Naturae in Studio Juris Civilis, & hujus in illo abusus ostenditur. Accedunt DL. Titti ad eosdem libros Observationes. Trajecti ad Rhenum*, (Utrecht: Apud Joannem Broedelet, 1740 [1737]).

74 Adriana Luna-Fabritius, "The Secularisation of Happiness in Early Eighteenth-century Italian Political Thought: Revisiting the Foundations of Civil Society," in *Trust and Happiness in the History of European Political Thought*, ed. László Kontler and Mark Somos (Leiden: Brill, 2017), 169–195.

75 Pufendorf, *De' doveri dell'uomo*, 22.

76 Pufendorf, *De' doveri dell'uomo*, 9. For the consequences of the fallen condition in Pufendorf, cfr. Palladini, *Discussioni*; Kari Saastamoinen, *The Morality of the fallen man: Samuel Pufendorf on natural law* (Helsinki: Societas Historica Finlandiae, 1995) and Knud Haakonssen, *Natural Law and Moral Philosophy: from Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996), 37–45.

For Amato, the rules set by natural law are necessary for the development of contracts, since they are the guarantee against a coin's false weights and amongst other crucial matters. However, if the debtor finds a problem, he should always have the right to return the money to the borrower within an agreed upon period. Natural laws were established, have been observed for a long time, and since then have defined not only civil government but also the duties of citizens. Currently, natural law commands assistance to the poor and that the miserable change their former mission.<sup>77</sup>

## Conclusion

In the middle of one of the major political crises in European history, Italian authors established historical, theoretical, and juridical laboratories to rebuild the political foundations of their civil states and relationships amongst human beings through laws. For them, those natural laws were the solution to the problem of sociability characteristic of their time. For the authors and translators analysed here, Pufendorf's natural law theory proved quite useful to their enterprise. Evidence of that lies in the number of translations and editions that appeared in the second half of the eighteenth century in Lombardy and in Naples.

Following from the evidence presented here, we have little doubt of the contribution of Pufendorf's natural law to Italian civil culture. Yet, by studying the translations, it remains unclear whether the problem of human beings' unsociability arrived in Italy through the translations of Pufendorf's natural law theory or the debates generated by it via other channels from the Republic of Letters. The other channels may include the book reviews in the main journals and correspondence between its agents, but especially in the communicating circles created around Vienna's milieu. It is unquestionable that natural law provided the concepts upon which to build a common language through which the ancient Italian states developed conceptual nets, as Bazzoli has pointed out in one of his pioneering studies. Still, the evidence demonstrates that this phenomenon occurred one century earlier than the publication of Pufendorf's translations. The members of the *Accademia degli investigatori* identified the problem of sociability a century earlier. This problem was passed on to the eighteenth century to their heirs, primarily, Valletta, Doria, Vico, and Gravina, and became the core of

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<sup>77</sup> Ibid.



the development of Genovesi's political economy.<sup>78</sup> It is true that Grotius, Pufendorf, Hobbes, Spinoza, and Locke occupied a significant position in that earlier process too. In passing from the language of natural law to political economy, in turn, the social sciences as we now know them, arose. Likewise, the division between jurists, scientists, and men of politics coincided with this process and not the other way around as Bazzoli presumed. The indivisible connection between law, politics, and the economy endured until its division took place at universities during the first decades of the nineteenth century. However, regarding the Neapolitan case, the chief distinction between the earlier and later circulation of Pufendorf's natural law lied in the secularisation of the foundations of sociability. Whilst the former enterprise led to the secularisation of the theories of the state's foundations started by the *Investiganti*, their heirs, and continued by Genovesi and his school, the later started by Amato reverted to a previous state of the secularisation revitalising the urge of God's binding force to the laws and amongst human beings.

Regarding the perception of Barbeyrac, it is undoubted that for eighteenth-century Italian thinkers, Barbeyrac's new translations of Pufendorf's texts significantly modified the original. For Italian thinkers as well as among their European counterparts, Barbeyrac's work led to an extreme version of Pufendorf's natural law theory.<sup>79</sup> According to the Italians, Barbeyrac's translations affected the way in which people read these texts in different parts of Europe and they were very much aware of this. The French versions of these texts stimulated the reformulation of new lines of thought not only in Europe, but also in European kingdoms overseas.<sup>80</sup> For the Italian thinkers, this was the reason for the condemnation by the Roman Inquisition and the *Index Librorum Prohibitorum*. The result led Pufendorf to more closely align with Hobbes's natural law theory and thus, led to a desire to correct it. This was their primary motivation in returning to former Latin editions, as was the case with the translations of Pufendorf's *De officio* by Amato in 1780 in Naples.

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<sup>78</sup> See Luna-Fabritius, "Visions of sociability" and Id., "Providence and Uses of Grotian Strategies."

<sup>79</sup> For a study of Barbeyrac's reformulations, see Tim J. Hochstrasser, "Conscience and Reason: the Natural Law Theory of Jean Barbeyrac," *The Historical Journal* 36 (1993): 289–308; Id., *Natural Law Theories in the Early Enlightenment* (Cambridge: University Press, 2000); Korkman, "Civil Sovereigns," 109–122 and Id., "Voluntarism and moral obligation: Barbeyrac's defence of Pufendorf revisited," in *Early Modern Natural Law Theories: Contexts and Strategies in the Early Enlightenment*, ed. Tim J. Hochstrasser and Peter Schröder (Dordrecht: Kluwer Academic Publisher, 2003), 195–225; Giulia Maria Labriola, *Barbeyrac interprete di Pufendorf e Grozio* (Naples: Editoriale Scientifica, 2003).

<sup>80</sup> Hochstrasser, "Conscience and Reason," 293.



Following from previous Italian discussions, Barbeyrac's conception of sociability stressed the opposition between what at that time was denoted as the law of self-love and the duties of sociability and what the Italian translators tried to solve through their corrections and notes. Yet, they did not succeed, since it corroborates the fact that the German author's texts remained in the *Index Librorum Prohibitorum* until the beginning of the nineteenth century. However, the controversies created by the circulation of these texts contributed enormously to the development of eighteenth-century Italian civil culture and the formation of a public sphere that made its way to the constitutional moments. These moments followed the Napoleonic invasions of the former kingdoms of the Spanish monarchy, particularly those that remained associated with the German Empire following the Spanish Succession War. The degree of refinement reached by the resulting Italian debate is evidenced by their significant knowledge and discussions on editions and translations of Pufendorf's texts. The peculiarities of the diverse Italian contexts presented here disclose different forms of appropriation completing the wider European map thereof. Finally, all of this serves as evidence that despite the censorship of the Counterreformation era Protestant texts circulated extensively across Catholic territories formerly associated with the Habsburg German Empire, evidencing the ineffectiveness of confessional borders during this period.